

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

RSG, INC., a South Dakota corporation,)
R GROUP, INC., an Iowa corporation; and)
RANDALL S. GOLDEN, an individual,)
)
Plaintiffs,)
v.)
)
SIDUMP'R TRAILER COMPANY, INC., a)
Delaware corporation,)
)
Defendant.)

CASE NO.: 8:06 CV507

**MOTION OF PLAINTIFFS
RSG, INC., R GROUP, INC.,
RANDALL S. GOLDEN TO
CONSOLIDATE**

GEMINI INVESTORS III, L.P., a Delaware)
corporation and GEMINI INVESTORS IV,)
L.P., a Delaware corporation,)
)
Plaintiffs,)
v.)
)
RSG, INC., a South Dakota corporation,)
R GROUP, INC., an Iowa corporation; and)
RANDALL S. GOLDEN, an individual,)
)
Defendants.)

CASE NO: 8:09CV105

**MOTION OF DEFENDANTS
RSG, INC., R GROUP, INC.,
RANDALL S. GOLDEN TO
CONSOLIDATE**

RSG, INC., R GROUP, INC., and RANDALL S. GOLDEN, Plaintiffs in Case No. 8:06 CV507 and Defendants in Case No. 8:09CV105 (collectively "Golden"), hereby jointly move the court to enter an order consolidating each of the above captioned proceedings (collectively the "Cases") for all purposes, including trial, pursuant to Rule 42(a) of the Federal Rules of Civil Procedure. The Cases involve common questions of law and fact. Golden will suffer unfair prejudice if the Cases are not consolidated for the reasons set forth in Golden's Brief filed contemporaneously herewith. Consolidation will promote judicial efficiency and will not unfairly prejudice Sidump'r Trailer Company, Inc., Gemini Investors III, L.P., and Gemini Investors IV, L.P.

Dated this 25th day of August, 2009.

RSG, INC., a South Dakota corporation, R GROUP, INC., an Iowa corporation, and RANDALL S. GOLDEN, an individual, Plaintiffs in Case No. No. 8:06 CV507 and Defendants in Case No. 8:09CV105

BY: /s/ Steven E. Achelpohl
Steven E. Achelpohl, # 10015
1823 Harney Street
1010 Historic Libr. Plz.
Omaha, NE 68102

and

W. Patrick Betterman, #10306
3628 N. 163rd PLZ
Omaha, NE 68154-2188
(402) 333-3334
ATTORNEYS FOR GOLDEN

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2009, I electronically filed the foregoing with the Clerk of the Court in each of the above captioned proceedings using the CM/ECF system which sent notification of such filing to the following:

David John Stubstad
Fraser Stryker PC LLO
500 Energy Plaza
409 South 17th Street
Omaha, NE 68102-2663

Victoria Buter
Husch Blackwell Sanders LLP
1620 Dodge St. #2100
Omaha, NE 68102

Shaun B. Spencer
Law Office of Shaun Spencer, P.C.
One Post Office Square, 2nd Floor
Sharon, MA 02067

/s/ Steven E. Achelpohl